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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

V.

DANIEL KAISER, et al.,

Defendants.

Case No. 2:08-CV-00888-JCM-LRL

JUDGMENT AGAINST DANIEL KAISER

The Securities and Exchange Commission having filed a Complaint and Defendant Daniel Kaiser having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 17(a) of the Securities Act of 1933

(“Securities Act”), 15 U.S.C. § 77q(a), in the offer or sale of any securities by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud; or
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that

Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud; or
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

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III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that

Defendant is permanently barred from participating in an offering of penny stock, including engaging in activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any penny stock. A penny stock is any equity security that has a price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act, 17 C.F.R. 240.3a51-1.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that

Defendant is permanently barred from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l, or that is required to file reports pursuant to Section 15(d) of the Exchange Act, 15 U.S.C. § 78o(d).

V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$91,491.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$16,018.44, for a total of \$97,509.44. Based on Defendant's sworn representations in his Statement of Financial Condition dated April 14, 2010, and other documents and information submitted to the Commission, however, the Court is not ordering Defendant to pay a civil penalty and payment of disgorgement and pre-judgment interest thereon is waived. The determination not to impose a civil penalty and to waive payment of disgorgement and pre-judgment interest is contingent upon the accuracy and completeness of Defendant's Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendant's representations to the Commission concerning his

1 assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or
2 incomplete in any material respect as of the time such representations were made,
3 the Commission may, at its sole discretion and without prior notice to Defendant,
4 petition the Court for an order requiring Defendant to pay the unpaid portion of the
5 disgorgement, pre-judgment and post-judgment interest thereon, and the maximum
6 civil penalty allowable under the law. In connection with any such petition, the
7 only issue shall be whether the financial information provided by Defendant was
8 fraudulent, misleading, inaccurate, or incomplete in any material respect as of the
9 time such representations were made. In its petition, the Commission may move
10 this Court to consider all available remedies, including, but not limited to, ordering
11 Defendant to pay funds or assets, directing the forfeiture of any assets, or sanctions
12 for contempt of this Final Judgment. The Commission may also request additional
13 discovery. Defendant may not, by way of defense to such petition: (1) challenge
14 the validity of the Consent or this Final Judgment; (2) contest the allegations in the
15 Complaint filed by the Commission; (3) assert that payment of disgorgement, pre-
16 judgment and post-judgment interest or a civil penalty should not be ordered; (4)
17 contest the amount of disgorgement and pre-judgment and post-judgment interest;
18 (5) contest the imposition of the maximum civil penalty allowable under the law;
19 or (6) assert any defense to liability or remedy, including, but not limited to, any
20 statute of limitations defense.

21 VI.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
23 Consent is incorporated herein with the same force and effect as if fully set forth
24 herein, and that Defendant shall comply with all of the undertakings and
25 agreements set forth therein.

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VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

VIII

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.

DATED: August 18, 2010

**HONORABLE JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE**

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

[X] U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On August 10, 2010, I caused to be served the document entitled **[PROPOSED] JUDGMENT AGAINST DANIEL KAISER** on all the parties to this action addressed as stated on the attached service list:

[X] **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

[] **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

[] **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

[] **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

[] **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

[X] **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

[X] **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

[] **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 10, 2010

/s/ Donald W. Searles
Donald W. Searles

1 **SEC v. DANIEL KAISER and STEPHEN H. ROEBUCK**
2 **United States District Court – District of Nevada**
3 **Case No. 08-CV-00888 JCM (LRL)**
4 **LA-3191**

5 **SERVICE LIST**

6 Maranda E. Fritz, Esq. (**served via CM/ECF only**)
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9 New York, NY 10017
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11 ***Attorney for Defendant Daniel Kaiser***

12 Daniel Kaiser (**served via electronic and U.S. mail**)
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